



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,125	12/28/2000	Brian John Cragun	ROC920000182US1	6696

7590 07/20/2004

Leslie J Payne Attorney
IBM Corporation Department 917
3605 Highway 52 North
Rochester, MN 55901-7829

EXAMINER

MANNING, JOHN

ART UNIT PAPER NUMBER

2614

DATE MAILED: 07/20/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,125

Applicant(s)

CRAGUN ET AL.

Examiner

John Manning

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 23-32 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6, 11, 13, 14-15, and 17 rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al (US Pat No 5,805,763).

In regard to claim 1, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". The claimed step of "encoding a rebroadcast program" is met by Figure 2, item 56. "The network communication interface 56 communicates with digital information carried over baseband frequencies below the conventional analog video signal frequencies, over frequencies between conventional analog video signal frequencies, and over frequencies above conventional analog video signal frequencies" (Col 6, Lines 1-6). The claimed steps of "specifying a preferred play time" and "providing a broadcast that fits the preferred play time" are met by Figure 1. The "recording device is associated with the head end 12. The head end monitors the record tags of all system users and if any user has set a record tag, the head end controls the recording device to record the program. The recorded program is stored at the head end 12, preferably on the continuous media servers 32. Users could then access the head end, on demand, to retrieve and view the recorded program. This alternative would allow multiple users to

access a single recording of the program. Stored recordings could also be archived to allow access by users who, although they did not set a record tag, later wish to view the program" (Col 13, Lines 26-37). The recordings are available to the user on demand, therefore, the user specifies the preferred play time and the system provides a broadcast that fits the preferred play time.

In regard to claim 3, it is noted that the examiner interprets the claim to be to be written in the alternative such that the claim may be met by any of limitations a)-f). Lawler discloses that the user may retrieve recorded programs on an "on demand" basis; therefore, the play time is specified in response to a specific user request.

In regard to claim 6, Lawler discloses a CPU coupled memory for controlling the system. "A central processing unit (CPU) 58 in conjunction with a memory system 60 controls operation of the interactive station controller 18" (Col 6, Lines 7-9).

In regard to claim 11, Figure 1 shows a server system. "As shown in FIG. 1, the head end 12 of the illustrated interactive viewing system includes a digital local area network (LAN) 24 that includes multiple computer servers 26 for performing various interactive system applications or functions and a digital communication gateway 28 to a wide area network (WAN) (not shown). The servers 26, which store and process information at the head end, may include, for example, service and application servers 30, continuous media servers 32, and electronic program guide data servers 34" (Col 4, Lines 1-10). The users access the servers to retrieve and view the recorded program. The "recording device is associated with the head end 12. The head end monitors the record tags of all system users and if any user has set a record tag, the head end

controls the recording device to record the program. The recorded program is stored at the head end 12, preferably on the continuous media servers 32. Users could then access the head end, on demand, to retrieve and view the recorded program. This alternative would allow multiple users to access a single recording of the program. Stored recordings could also be archived to allow access by users who, although they did not set a record tag, later wish to view the program" (Col 13, Lines 26-37).

In regard to claim 13, the disclosed interactive station controller 18, of Figure 1 and 2, contain the functional elements of a personal computer.

In regard to claims 14-15 and 17, Lawler discloses that the rebroadcast program is a television broadcast. Television broadcasts are inherently composed of both video and audio information.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5, 7-8, 10, 18, 20, 23-27, 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. in view of Sezan et al. (US Pat No 6,236,395).

In regard to claim 2, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". However, the reference fails to explicitly disclose encoding the program with a replay plan, which prioritizes portions of the rebroadcast. Sezan teaches encoding the program with a

Art Unit: 2614

replay plan, which prioritizes portions of the rebroadcast so as to create a highlight summary of the program (Col 9, Lines 9-33). "A set of title frames is presented on the display that captures an important moment of each game. The user selects the Chicago Bulls game and indicates a desire to view a 5 minute highlight of the game. The system automatically generates highlights. The highlights may be generated by audio or video analysis, or the program description scheme includes data indicating the frames that are presented for a 5 minute highlight" (Col 9, Lines 61-67; Col 10, Line 1). Consequently, it would have been obvious to one of ordinary skill in the art to modify Lawler with encoding the program with a replay plan, which prioritizes portions of the rebroadcast so as to create a highlight summary of the program.

In regard to claim 5, it is noted that the examiner interprets the claim to be to be written in the alternative such that the claim may be met by any of limitations a)-b). Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". However, Lawler fails to explicitly disclose "clipping the resulting program to meet the preferred play time wherein clipping can be done anywhere in the broadcast, at the beginning, the middle or the end". Sezan teaches "clipping the resulting program to meet the preferred play time" so as to create a highlight summary of the program (Col 9, Lines 9-33; Figure 10). Consequently, it would have been obvious to one of ordinary skill in the art to modify Lawler with "clipping the resulting program to meet the preferred play time" so as to create a highlight summary of the program.

In regard to claims 7-8 and 10, Lawler discloses a CPU coupled memory for controlling the system. "A central processing unit (CPU) 58 in conjunction with a memory system 60 controls operation of the interactive station controller 18" (Col 6, Lines 7-9).

In regard to claims 18, it is noted that the examiner interprets the claim to be to be written in the alternative such that the claim may be met by either "audio", "video" "a radio broadcast" or "a television broadcast". Lawler discloses that the rebroadcast program is a television broadcast. Television broadcast are inherently composed of both video and audio information.

In regard to claims 20, it is noted that the examiner interprets the claim to be to be written in the alternative such that the claim may be met by either "audio", "video" "a radio broadcast" or "a television broadcast". Lawler discloses that the rebroadcast program is a television broadcast. Television broadcast are inherently composed of both video and audio information.

In regard to claim 23, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". However, the reference fails to explicitly disclose "assigning a priority to commercials which have been made to be shortened, dropped, or an alternative commercial substituted". The Sezan reference teaches the shorting of a program so as to allow a user to view the highlights of a program of interest. The program could be a commercial, where just the highlights would be shown. Also, Sezan discloses a commercial filter for "dropping" commercials. Consequently, it would have been obvious to one of ordinary skill in the

art to implement Lawler with "assigning a priority to commercials which have been made to be shortened, dropped, or an alternative commercial substituted" so as to allow a user to view the highlights of a program of interest.

In regard to claim 24, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". However, the reference fails to explicitly disclose encoding the program with a replay plan, which prioritizes portions of the rebroadcast. Sezan teaches encoding the program with a replay plan, which prioritizes portions of the rebroadcast so as to create a highlight summary of the program (Col 9, Lines 9-33). "A set of title frames is presented on the display that captures an important moment of each game. The user selects the Chicago Bulls game and indicates a desire to view a 5 minute highlight of the game. The system automatically generates highlights. The highlights may be generated by audio or video analysis, or the program description scheme includes data indicating the frames that are presented for a 5 minute highlight" (Col 9, Lines 61-67; Col 10, Line 1). Consequently, it would have been obvious to one of ordinary skill in the art to implement with encoding the program with a replay plan, which prioritizes portions of the rebroadcast so as to create a highlight summary of the program. The combined teaching fails to explicitly disclose providing a packaging and playlist. However, the examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to use packaging and playlists so as to organize multimedia content. Consequently, it would have been obvious to one of ordinary skill in the art to implement the combined teaching with packaging and playlists so as to organize multimedia content.

In regard to claim 25, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". However, the reference fails to explicitly disclose "providing a broadcast that fits the preferred play time comprises substituting an alternate program segment for a program segment of the rebroadcast program" and "an alternate segment is a segment that is not normally played when there are no time constraints, but can be played instead of an associated segment of a particular rebroadcast program". Sezan teaches "providing a broadcast that fits the preferred play time comprises substituting an alternate program segment for a program segment of the rebroadcast program" and "an alternate segment is a segment that is not normally played when there are no time constraints, but can be played instead of an associated segment of a particular rebroadcast program" so as to create a highlight summary of the program (Col 9, Lines 9-33). It is noted that the examiner interprets the program summary to be the alternate segment. Consequently, it would have been obvious to one of ordinary skill in the art to implement with "providing a broadcast that fits the preferred play time comprises substituting an alternate program segment for a program segment of the rebroadcast program" and "an alternate segment is a segment that is not normally played when there are no time constraints, but can be played instead of an associated segment of a particular rebroadcast program" so as to create a highlight summary of the program.

In regard to claim 26, Lawler discloses "playing unlistened to material at a later time upon selection by a user". The "recording device is associated with the head end 12. The head end monitors the record tags of all system users and if any user has set a

record tag, the head end controls the recording device to record the program. The recorded program is stored at the head end 12, preferably on the continuous media servers 32. Users could then access the head end, on demand, to retrieve and view the recorded program. This alternative would allow multiple users to access a single recording of the program. Stored recordings could also be archived to allow access by users who, although they did not set a record tag, later wish to view the program" (Col 13, Lines 26-37). The recordings are available to the user on demand, therefore, the user specifies the preferred play time and the system provides a broadcast that fits the preferred play time.

In regard to claim 27, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". The Sezan reference discloses an audio-visual information management system that creates time compressed program summaries. The combined teaching fails to explicitly disclose, "displaying a list of unlistened/unviewed material which can be selected by a user". However, the examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to display "a list of unlistened/unviewed material which can be selected by a user" so as to organize multimedia content. Consequently, it would have been obvious to one of ordinary skill in the art to implement the combined teaching with packaging and playlists so as to organize multimedia content.

In regard to claims 29 and 31-32, Sezan discloses shorting the program by dropping out segments. Sezan also discloses prioritization of segments of the rebroadcast to create a highlight summary of the program (Col 9, Lines 9-33). "A set of

title frames is presented on the display that captures an important moment of each game. The user selects the Chicago Bulls game and indicates a desire to view a 5 minute highlight of the game. The system automatically generates highlights. The highlights may be generated by audio or video analysis, or the program description scheme includes data indicating the frames that are presented for a 5 minute highlight" (Col 9, Lines 61-67; Col 10, Line 1).

In regard to claim 30, Sezan discloses replacing low priority portions of the rebroadcast program with an alternate segment so as to create a highlight summary of the program (Col 9, Lines 9-33). It is noted that the examiner interprets the program summary to be the alternate segment.

5. Claims 4, 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. in view of Hancock et al. (US Pat No 6,701,523).

In regard to claim 4, it is noted that the examiner interprets the claim to be to be written in the alternative such that the claim may be met by any of limitations 1)-3). Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". However, Lawler fails to explicitly disclose "a parental control system which dictates that a child only has so many minutes of viewing time left in their daily allocation". Hancock teaches "a parental control system which dictates that a child only has so many minutes of viewing time left in their daily allocation" so as to prevent a child's television viewing habits from interfering with the child's schooling. Consequently, it would have been obvious to one of ordinary skill in the art to modify Lawler with "a parental control system which dictates that a child only

has so many minutes of viewing time left in their daily allocation" so as to prevent a child's television viewing habits from interfering with the child's schooling.

In regard to claim 9, Lawler discloses a CPU coupled memory for controlling the system. "A central processing unit (CPU) 58 in conjunction with a memory system 60 controls operation of the interactive station controller 18" (Col 6, Lines 7-9).

In regard to claims 19, it is noted that the examiner interprets the claim to be to be written in the alternative such that the claim may be met by either "audio", "video" "a radio broadcast" or "a television broadcast". Lawler discloses that the rebroadcast program is a television broadcast. Television broadcast are inherently composed of both video and audio information.

6. Claims 12, 16, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al.

In regard to claim 12, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". Lawler fails to explicitly disclose that the communications network comprises the Internet. However, the examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to use the Internet as a communication network as to utilize a large far-reaching network. Consequently, it would have been obvious to one of ordinary skill in the art to implement Lawler with the Internet as a communication network as to utilize a large far-reaching network.

In regard to claim 16, Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". Lawler fails to

explicitly disclose that the recorded program is a radio broadcast. However, the examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to record a radio broadcast so as to listen to the broadcast at later time. Consequently, it would have been obvious to one of ordinary skill in the art to implement Lawler with recording a radio broadcast so as to listen to the broadcast at later time.

In regard to claim 28, the Lawler discloses a system and method for recording programs at the head end to be retrieved by the user "on demand". Lawler fails to explicitly disclose that "the segment record comprises a plurality of fields including: a title field, a length field, a priority field, a location field, a status field, a next field, a previous field, and an alternate segment specifier field". However, the examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to have a segment record that "comprises a plurality of fields including: a title field, a length field, a priority field, a location field, a status field, a next field, a previous field, and an alternate segment specifier field" so as to conform to the MPEG-7 standard. Consequently, it would have been obvious to one of ordinary skill in the art to implement Lawler with a segment record that "comprises a plurality of fields including: a title field, a length field, a priority field, a location field, a status field, a next field, a previous field, and an alternate segment specifier field" so as to conform to the MPEG-7 standard.

Allowable Subject Matter

7. Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows:


- The Kusaba et al. (US Pat No 6,510,556) reference discloses a video distributing apparatus and system.
- The Etra (US Pat No 5,012,334) reference discloses a video image bank for storing and retrieving video image sequences.
- The Barton et al. (US Pat No 6,233,389) reference discloses a multimedia time warping system.
- The Abecassis (US Pat No 6,504,990) reference discloses randomly and continuously playing fragments of a video segment.
- The Amano (US Pat No 5,911,046) reference discloses an audio-video data transmission apparatus.
- The Hejna Jr (US Pat No 6,370,688) reference discloses a method and apparatus for server broadcast of time converging multi-media streams.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 8:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM
July 8, 2004



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600